

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 026595-007610US	
I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office, Attn: Mail Stop AF, on <u>June 26, 2007</u> . TOWNSEND and TOWNSEND and CREW LLP Signature <u>/Joni E. Peterson/</u> Typed of printed name <u>Joni E. Peterson</u>		Application Number 10/687,575	Filed October 15, 2003
First Named Inventor Michael J. Hafer et al.		Art Unit 3691	
Examiner Lalita M. Hamilton			

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
 Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
 See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
 (Form PTO/SB/96)

☒ attorney or agent of record.
 Registration number 44,187

☐ attorney or agent acting under 37 CFR 1.34.
 Registration number if acting under 37 CFR 1.34. _____

/Chad E. King/
 Signature

Chad E. King, Reg. No. 44,187
 Typed or printed name

303.571.4000
 Telephone number

June 26, 2007
 Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on June 26, 2007

TOWNSEND and TOWNSEND and CREW LLP

By: /Joni E. Peterson/
Joni E. Peterson

**STATEMENT OF REASONS IN
SUPPORT OF PRE-APPEAL BRIEF
REQUEST FOR REVIEW**

PATENT
Attorney Docket No.: 026595-007610US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michael J. Hafer et al.

Application No.: 10/687,575

Filed: October 15, 2003

For: MONEY TRANSFER
CONVENIENCE CARD, SYSTEMS
AND METHODS

Customer No.: 20350

Confirmation No. 7753

Examiner: Lalita M. Hamilton

Art Unit: 3691

**STATEMENT OF REASONS IN
SUPPORT OF PRE-APPEAL BRIEF
REQUEST FOR REVIEW**

***Via EFS Web
Mail Stop AF***
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This statement is submitted in support of the Pre-Appeal Brief Request for Review, which is submitted herewith, along with a Notice of Appeal. The applicant respectfully requests review of the Final Office Action in this application, for at least the following reasons.

A Final Office Action in this case was mailed on February 26, 2007, citing published application no. US2002/0099607 to Sosa et al. ("Sosa") in rejecting all the claims under 35 U.S.C. § 102(a). An Advisory Action mailed May 17, 2007, essentially duplicated the grounds of rejection in the Final Office Action. It is respectfully submitted that these rejections are unsupported by Sosa, for at least the following reasons.

As noted in an Amendment filed April 26, 2007, Sosa fails to teach or suggest each element of any pending claim. In particular, Sosa fails to teach or suggest, inter alia, "calculating an amount of prepaid telephone service credit sufficient to allow the customer to

place a telephone call of a certain duration from the origination location to the destination location” as recited by claims 48, 49 and 51; “a point of sale device . . . being located at a particular origination location and configured to . . . receive a request from the customer to process a money transfer transaction to a particular destination location[.]” as recited by claim 1; and “[an] award being redeemable by the customer for credit toward the purchase of a product from [a] service provider[.]” as recited by claim 1.

While the pending claims in the present application are directed generally to convenience cards (and systems and methods of using those cards) for money transfer transactions, Sosa is directed toward an entirely different proposition: a “promotional scheme to identify potential customers and online cash account customers.” Sosa, Abs. This promotional scheme involves “linking each online cash account created for each entrant to the identified promotional scheme, determining if a response is a winning response, and providing an online prize to at least one entrant that provided a winning response.” Sosa, ¶ 0004. Hence, Sosa generally has nothing to do with money transfers at all, but instead is directed toward a promotional scheme where prizes may be awarded entrants to the promotional scheme. Perhaps unsurprisingly, then, Sosa fails to teach or suggest each element of any pending claim.

I. Sosa does not teach “calculating an amount of prepaid telephone service credit.”

The Final Office Action and the Advisory Action argue that Sosa teaches this element, recited in independent method claim 48 and the corresponding systems claims 49 and 51, but notably omits any citations to any portion of Sosa that purportedly teaches these elements. The Final Office Action notes that it relies on the rejections in a non-final Office Action mailed September 6, 2006. The non-final Office Action is no more helpful. It cites paragraphs 36-37, 57-58 and 126-128 of Sosa as teaching those elements. However, none of the cited portions of Sosa even mention providing credit for a telecommunications service, let alone calculating an amount of prepaid telephone service credit sufficient to allow the customer to place a telephone call of a certain duration from an origination location of a money transfer transaction to a destination location of the transaction. A fortiori, Sosa fails to disclose actually

crediting a customer's account with this amount of credit. As a matter of fact, Sosa fails even to mention that any telephone call is made apart from the transaction itself.

Hence, no reasonable reading of Sosa permits the inference that Sosa even suggests the idea of providing any prepaid telephone credit, let alone calculating an amount of credit that should be provided. For at least this reason, claim 48 is allowable over Sosa. Claims 49 and 51, which recite similar elements, are allowable for at least similar reasons.

II. Sosa fails to teach “a point of sale device . . . being located at a particular origination location and configured to . . . receive a request from the customer to process a money transfer transaction to a particular destination location,” as recited by claim 1.

Both the Final Office Action and Advisory Action suppose that “Sosa discloses funds transferred from a particular origin location to a particular destination location (the funds are transferred from a particular origin location, which is the account located at a particular bank, to another account at a particular location, which is the other account located at another bank)” Final Office Action, at 3. Neither the Final Office Action nor the Advisory Action, however, cites to any portion of Sosa that provides this teaching, because Sosa in fact contains no such disclosure. As noted in the Applicants' response, Sosa never even suggests the recited elements, which require both that a point of sale device is configured to receive a request for a money transfer transaction and that the transaction has a particular origination location and a particular destination location, and the Final Office Action's argument about bank accounts is unfounded.

The “fund transfer” taught by Sosa is fundamentally different from the money transfer transaction recited by claim 1 in at least two important aspects. First, Sosa teaches only that the fund transfer is performed online via the USER2 computer, not that any point of sale device is involved in a fund transfer request. Second, and directly in contrast with the Final Office Action's supposition, Sosa expressly teaches, “the fund transfer occurs within the accounts database 323,” Sosa, ¶ 0058, not between any two banks. For at least these reasons, discussed more thoroughly in the response to the Final Office Action, Sosa does not teach the element at issue and thus fails to anticipate claim 1. As described in the Applicants' response to

the final office action, Sosa also fails to anticipate claims 20, 30, 48, 49, and 51 for somewhat similar reasons.

III. Sosa does not teach an “award being redeemable by the customer for credit toward the purchase of a product from the service provider.”

As noted in the applicants’ response to the final office action, although Sosa teaches two types of rewards, it does not teach the rewards recited by claim 1. The Office Action conflates these two types of rewards taught by Sosa, but Sosa provides no teaching or suggestion that would support this conflation. For at least this additional reason, Sosa fails to anticipate claim 1, and for similar reasons more thoroughly discussed in the Amendment in response to the Final Office Action, Sosa also fails to anticipate claims 20, 23, 30, 47, and 50.

CONCLUSION

For at least these reasons, and as detailed more fully by the Amendment, independent claims 1, 48, 49, and 51 are believed to be allowable over Sosa. For at least similar reasons, as described in the Amendment, independent claims 20, 23, 30, 47, and 50 are believed to be allowable over Sosa. The remaining claims, each of which ultimately depend from one of these independent claims, are believed to be allowable at least because of this dependence.

Hence, the applicants believe all claims now pending in this application are allowable over Norris, and reconsideration of the claims is respectfully requested.

Respectfully submitted,

Date: June 26, 2007

/Chad E. King/
Chad E. King
Reg. No. 44,187

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
CEK:jep
61084811 v1